

BEVERAGES AND BEVERAGE MATERIALS

14901. Conspiracy to violate the Federal Food, Drug, and Cosmetic Act with respect to the interstate shipment of alleged grape juice. U. S. v. Minos K. Zongos, Salvatore Sommella, Joseph La Manna, and Superior Packing Co. Pleas of guilty by Minos K. Zongos and Salvatore Sommella; Minos K. Zongos fined \$1,000, imposition of sentence against Salvatore Sommella suspended, and defendants Zongos and Sommella placed on probation for 2 years. Action dismissed as to Joseph La Manna and Superior Packing Co. (Sample No. 5610-H.)

INDICTMENT RETURNED: July 23, 1946, Southern District of New York, against Minos K. Zongos, Salvatore Sommella, Joseph La Manna, and the Superior Packing Co.

NATURE OF CHARGE: The indictment alleged that the defendants, since January 1944, and continuously thereafter to the date of the filing of the indictment, did, at the Southern District of New York, combine, conspire, confederate, and agree together, and with each other, and other persons, to commit offenses against the United States in violation of Sections 301 and 303 of the Federal Food, Drug, and Cosmetic Act, with the purposes and object of introducing and delivering for introduction into interstate commerce an adulterated and misbranded food labeled "Capitol brand grape juice," with intent to defraud and mislead.

It was alleged further that in pursuance of the conspiracy and for the purpose of effecting the objectives thereof, the defendants manufactured and bottled an alleged grape juice at 370 Pearl Street, New York City, and committed other overt acts.

DISPOSITION: November 29, 1946. Defendants Minos K. Zongos and Salvatore Sommella pleaded guilty. Minos K. Zongos was sentenced to pay a fine of \$1,000, and he was placed on probation for 2 years; imposition of sentence against Salvatore Sommella was suspended, and he was placed also on probation for 2 years. On December 2, 1948, a nolle prosequi was entered with respect to defendants Joseph La Manna and the Superior Packing Co.

14902. Adulteration and misbranding of Vita Orange. U. S. v. 10 Cases, etc. (F. D. C. No. 26096. Sample Nos. 5308-K to 5310-K, incl.)

LIBEL FILED: On or about December 1, 1948, District of Rhode Island.

ALLEGED SHIPMENT: On or about September 2 and 18, 1948, by the California Fruit Juice Co., from Waltham, Mass.

PRODUCT: 10 cases, each containing 12 1-quart bottles; 15 cases, each containing 6 half-gallon bottles; and 39 1-gallon bottles, of Vita Orange at Newport, R. I., together with a number of circulars entitled "The Good Morning to Health."

Examination showed that the product was a mixture of orange juice, orange oil, water, acid, sugar, and artificial color, and that it contained approximately 5,000 U. S. P. units of vitamin C per one-half gallon.

LABEL, IN PART: (Bottle) "Vita Orange with Vitamins Added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear to have more orange juice than it actually contained and thus to be better or of greater value than it was.

Misbranding, Section 403 (a), the name "Vita Orange" and certain statements on the circulars were false and misleading since they represented and suggested that the article was nutritionally better than orange juice; that it was a better source of vitamins than orange juice; that it would be effective to promote health and healthy bones, teeth, and gums; and that it would be effective in the treatment of colds and prevention of infections. The article was not nutritionally better than orange juice; it was not a better source of vitamins than orange juice; and it would not be effective for the purposes represented.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2785.

DISPOSITION: February 2, 1949. Default decree of condemnation. The court ordered that the circulars be destroyed and the product be delivered to a charitable institution.

14903. Misbranding of Bevco Stabilizer. U. S. v. 3 Bottles * * *. (F. D. C. No. 26278. Sample No. 42413-K.)

LABEL FILED: January 17, 1949, Southern District of Illinois.

ALLEGED SHIPMENT: On or about September 24, 1948, by the Chandler Laboratories, from Philadelphia, Pa.

PRODUCT: 3 1-gallon bottles of Bevco Stabilizer at Normal, Ill. Analysis showed that the product was an aqueous solution of a quaternary ammonium salt, with a concentration of $\frac{1}{2}$ gram per 100 cc.

LABEL, IN PART: "Bevco Stabilizer * * * Directions: Use $\frac{1}{2}$ ounce to each gallon of prepared syrup or to 6 gallons of finished product. * * * contains less than 2 $\frac{1}{2}$ % pure quaternary ammonium chloride. * * * is not a finished food product and is for manufacturing use only."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading since the trade name "Bevco" appearing thereon, coupled with the directions for use, represented to purchasers that the article was wholesome and suitable for use as a component for beverages for man, whereas the article contained a quaternary ammonium compound which was a poisonous and deleterious substance; and the labeling failed to reveal the fact, material in the light of the representations made therein, that the article contained a poisonous and deleterious substance.

DISPOSITION: March 4, 1949. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

14904. Adulteration of cake. U. S. v. Carson Cake Co., Abe Caris, and Philip Caris. Pleas of guilty. Defendants each fined \$100. (F. D. C. No. 24817. Sample Nos. 10495-K to 10497-K, incl.)

INFORMATION FILED: July 14, 1948, District of New Jersey, against the Carson Cake Co., a partnership, Newark, N. J., and Abe Caris and Philip Caris, partners.

ALLEGED SHIPMENT: On or about March 25, 1948, from the State of New Jersey into the State of New York.